



U.S. Citizenship
and Immigration
Services

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

IN RE:

Applicant:

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of the
Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The termination of temporary resident status by the Director, Western Service Center is before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director terminated the applicant's status because the applicant had been convicted of certain offenses for which he had not provided the dispositions. The applicant had therefore failed to establish he was admissible to the United States in spite of his criminal record.

On appeal, the applicant provides the requested dispositions.

The status of an alien lawfully admitted for temporary residence under section 245A of the Act may be terminated if he or she is convicted of any felony or three or more misdemeanors in the United States. 8 C.F.R. § 245a.2(u)(1)(iii).

The applicant was arrested for Marijuana for Sale on January 7, 1983. That charge was eventually dismissed. He pled guilty to one count of an Accessory to Robbery charge on May 27, 1988, which was apparently a misdemeanor. Additionally, he was convicted of Driving with a Blood Alcohol Content of .10% or More on October 15, 1990, a misdemeanor, and Inflicting Corporal Injury on a Spouse or Cohabitant on June 17, 1998.

The applicant was arrested numerous times for other offenses, including Obstructing/Resisting Officer on January 10, 1991 and June 17, 1998; Robbery on February 3, 1992; Alien Smuggling on November 29, 1998; and Threaten Crime/Terrorize on April 16, 2004. However, the dispositions of these offenses are not in the record.

The applicant does have at least the three convictions mentioned above under the California Penal Code and the California Vehicle Code. Therefore, the appeal must be dismissed on this basis.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.